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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,844	12/20/2000	Rudy Bonefas	003636.0099	3893
<div>7590 11/05/2007 MANELLI DENISON &amp; SELTER PLLC ATTN: WILLIAM H. BOLLMAN 2000 M STREET N W SUITE 700 WASHINGTON, DC 20016</div>			<div>EXAMINER PHILLIPS, HASSAN A</div>	
			<div>ART UNIT 2151</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 11/05/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/739,844

Applicant(s)

BONEFAS ET AL.

Examiner

Hassan Phillips

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/10/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to communications filed September 10, 2007.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 10, 2007 has been entered.

#### ***Information Disclosure Statement***

3. The examiner has received the Information Disclosure Statement (IDS) filed September 10, 2007. All references in the IDS were considered by the examiner except for U.S. Patent 6,078,690. The examiner did not consider this reference because the name for the inventors of U.S. Patent 6,078,690, and the name listed in the IDS did not match.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 20, 25 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the claim amendments submitted March 5, 2007, applicant amended claims 20, 25, and 30 to recite, "said server is a least recently used protocol gateway". Since these claims depend from claims 19, 24, and 29 respectively, the amended limitations suggested routing a message between a protocol gateway and a least recently used protocol gateway. Examiner was unable to find such teachings in applicant's disclosure. Instead, examiner was only able to find teachings of routing a message between a protocol gateway and router(s) and/or server(s) (see Fig.'s 1A-1 and 1A-2 for example). In the previous action, examiner objected to claims 20, 25, and 30 feeling applicant had made an inadvertent error in the claim amendments. Applicant has however not only failed to address this objection, has also failed to point out where such teachings are provided in applicant's disclosure. Examiner is therefore left to believe that applicant has not complied the written description requirement.

### ***Response to Arguments***

6. Applicant's arguments filed September 10, 2007 have been fully considered but they are not persuasive. Applicant argued:

- a) Oehrke's "user" as discussed by Oehrke is "company A" attempting to gain access to a data center 52. Company A is a broad source of a message that many particular sources can use to send a message. Company A is not a particular source of a message that is being routed, as recited by claims 19-33.
- b) Oehrke fails to not only disclose authentication of the **particular source** of a message, but Oehrke further fails to disclose such authentication of the **particular source** of a message before the message is routed.

Examiner respectfully disagrees with applicant's assertions and submits applicant has misinterpreted the prior art of record.

7. With regards to a), examiner submits Oehrke's "user" is an individual that belongs to "company A" and is not the entire company as suggested by applicant. This is evident where Oehrke teaches "Data center 52 provides various applications and associated data for one or more customers or owners" (see Oehrke, col. 7, lines 42-45). This is further evident where Oehrke teaches, "users from company A may access architecture 50 through a dial or dedicated connection. For a dial connection, the users, depending on their user ID, are tunneled to company A's gateway router 51..." (see Oehrke, col. 7, lines 51-54). Examiner thus submits applicant's amended claim further fails to distinguish from the teachings of Oehrke since "a user" as taught by Oehrke is also "a particular source".

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8. With regards to b), for reasons previously indicated above, examiner maintains Oehrke teaches authentication of the particular source of a message where Oehrke teaches authentication of a user who creates the message. Furthermore, for the same reasons, examiner maintains Oehrke discloses authentication of the particular source of a message before the message is routed, where Oehrke teaches authenticating the user before the message is routed, (Oehrke, col. 8, lines 38-40).

9. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 19-33, are rejected under 35 U.S.C. 102(e) as being anticipated by Oehrke et al. (hereinafter Oehrke), U.S. Patent 7,047,300.

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12. In considering claims 19, 24, and 29, Oehrke discloses a message router (51) for routing a message between a protocol gateway (51) and a server (76), the message router comprising: an authenticator to authenticate a particular source of a message, said authenticator authenticating said particular source of said message before said message is routed by said message router between a protocol gateway (51) and a server (76), (col. 7, lines 56-60, col. 8, lines 4-9, 38-40, and col. 9, lines 19-41); and a database (53) accessible by said message router and adapted to store information relating to routing and authentication of said particular source of said message, (col. 7, lines 56-60, and col. 8, lines 2-3).

13. In considering claims 20, 25, and 30, Oehrke discloses said server is a least recently used protocol gateway (35), (col. 6, lines 26-42).

14. In considering claims 21, 26, and 31, Oehrke discloses said server is a least recently used message router (35), (col. 6, lines 26-42).

15. In considering claims 22, 27, and 32, Oehrke discloses said message router routes said message to a most specific server corresponding to a message key, (col. 9, lines 19-41).

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16. In considering claims 23, 28, and 33, Oehrke discloses said message router routes said message based on a content of said message, (col. 7, line 60-col. 8, line 3, and col. 8, lines 20-33).



***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is 571-272-3940. The examiner can normally be reached on Mon-Fri (8am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AU 2151